

REMARKS

Summary of Office Action

Claims 1-8, 13-21, 23-25, 27, and 53-68 were pending in this application.

The Examiner allowed claims 23-25, 27, and 53-68.

Claim 15 was objected to for being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Examiner rejected claims 1, 2, and 16-20 under 35 U.S.C. § 102(a) as being anticipated by Yonenobu et al. Japanese Patent No. JP2000175943 (hereinafter "Japan '943"), and rejected claims 3-8, 13, 14, and 21 under 35 U.S.C. § 103(a) as being obvious from Japan '943.

Summary of Applicants' Reply

Applicants appreciate the allowance of claims 23-25, 27, and 53-68 and the indication that claim 15 contains allowable subject matter.

Applicants have amended claim 1 to better define the invention and have amended dependent claim 14 to conform to amended claim 1. Applicants have also added new claims 69-74.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims Under 35 U.S.C. § 102

Independent claim 1 and dependent claims 2 and 16-20 were rejected under 35 U.S.C. § 102 as being anticipated by Japan '943.

These rejections are respectfully traversed.

Amended independent claim 1 defines an implant comprising a body portion. The body portion has an outer surface and an inner surface that form a hollow region comprising most of the volume of the body portion.

The hollow region "may be left as such, or ... maximize[d] ... for packing with osteogenic material" (applicants' specification, page 9, lines 17-19; *see also* lines 6-8).

Japan '943 does not show or suggest such a hollow region. Instead, Japan '943 shows a "suture thread through-hole [17]" (Japan '943 Abstract). This through-hole does not meet or suggest (because it has a different purpose) the hollow-region limitation of applicant's claim 1. Accordingly, independent claim 1 is neither anticipated by nor rendered obvious from Japan '943.

Dependent claims 2 and 16-20, which depend either directly or indirectly from claim 1, should also no longer be anticipated by or rendered obvious from Japan '943 (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 1, 2, and 16-20 under 35 U.S.C. § 102 be withdrawn.

Rejections of Claims Under 35 U.S.C. § 103(a)

Dependent claims 3-8, 13, 14, and 21 were rejected under 35 U.S.C. § 102 as being obvious from Japan '943.

These rejections are respectfully traversed.

For at least the reasons discussed above with respect to independent claim 1, claims 3-8, 13, 14, and 21, which depend either directly or indirectly from claim 1, should no longer be rendered obvious from Japan '943 (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 3-8, 13, 14, and 21 under 35 U.S.C. § 103(a) be withdrawn.

Objection to Claim 15

Dependent claim 15 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

This objection is respectfully traversed.

For at least the reasons discussed above with respect to amended independent claim 1, claim 15, which depends from claim 1, should no longer be objectionable.

Accordingly, applicants respectfully request that the objection to claim 15 be withdrawn.

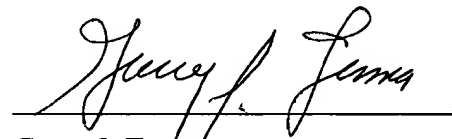
New Claims 69-74

New independent claims 69 and 72 and dependent claims 70, 71, 73, and 74 have been added. These claims should be allowable for the same reasons as claims 1-8, 13-21, 23-25, 27, and 53-68. Moreover, Japan '943 does not show or suggest an implant with a tubular body or an outer surface perimeter having a substantially oval, circular, or elliptical shape.

Conclusion

The foregoing demonstrates that claims 1-8, 13-21, 23-25, 27, and 53-74 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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